## THE HON'BLE SRI JUSTICE N.V.RAMANA

## Writ Petition No. 1337 of 2006

## Date: 18.01.2007

**Between:**

G. Hari Gopal, /o G. Adavaiah, aged 45 years, Occ: Phone Mechanic, Staff No.9220, O/o SDE (OCB MDF), Secunderabad.

**…..PETITIONER**

**AND**

The Accounts Officer (Cash), O/o General Manager (North), B.S.N.L., Secunderabad, Hyderabad Telecom District, Hyderabad and another.

**….RESPONDENTS**

## THE HON'BLE SRI JUSTICE N.V.RAMANA

## Writ Petition No. 1337 of 2006

**Order**:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in deducting the amount of Rs.12,500/- at the rate of Rs.2,000/- per month from the salary of the petitioner from December, 2005 on the ground of erroneous pay fixation between November 1999 and November, 2005, as illegal and arbitrary, and consequently hold that the respondents are not entitled to deduct the excess amount already paid, if any, on the basis of erroneous pay fixation from the salary of the petitioner.

When the matter came up for admission on 27.01.2006, this Court passed the following order.

> "Notice before admission, returnable in two weeks.
>
> It is directed that the respondents shall continue to pay the salary to the petitioner, without any deductions on the alleged ground of wrong fixation of his pay scale. It is, however, made clear that it shall be open to them to do so, only after issuing notice to the petitioner, pointing out the reasons therefor, and after consideration of his explanation.
>
> Post after two weeks."

Subsequently, the respondents filed their counter affidavit *inter alia* stating that pursuant to the orders of this Court dated 27.01.2006, they issued a notice dated 27.02.2006 to the petitioner

informing the reasons for deducting the overpay from his salary and calling upon his explanation. It is further stated that the petitioner, having received the said notice on 01.03.2006, has not yet submitted any explanation, and that they will decide the matter after receiving explanation from the petitioner.

Having regard to the facts and circumstances of the case, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to submit his explanation to the notice, dated 27.02.2006, said to have been issued by the respondents, within a period of six weeks from the date of receipt of a copy of this order, and on receipt of such explanation from the petitioner, the respondents shall consider the same and pass appropriate orders in the matter in accordance with law, expeditiously, preferably within a period of six weeks therefrom.

Accordingly, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Date: 18.01.2007
Nsr/Sj